

**Ordinance 1993-1**  
**Basic Cable Television Regulations**

An Ordinance to adopt regulations and procedures  
for basic cable television regulation.

Public Notice is hereby given that Ordinance 1993-1 was adopted by the Ely Township Board on August 31, 1993. A summary/synopsis of the Ordinance follows:

Section 1. Definitions.

Contains certain definitions and provides that all other words and catchphrases have the same meaning as defined in the 1984 and 1992 Cable Acts ("Cable Act") and FCC rules.

Section 2. Purpose and Interpretation.

Recites the purpose as adopting regulations and procedures governing basic cable service regulations and procedures governing basic cable service regulation consistent with the Cable Act and FCC rules.

Section 3. Rate Regulations Promulgated by FCC.

Provides for compliance with all FCC rules regarding the regulation of basic cable television service.

Section 4. Filing; Additional Information; Burden of Proof.

Provides that the cable operator must submit its schedule of rates for the basic service tier and associated equipment of rates for the basic service tier and associated equipment or proposed increase in such rate in accordance with the Act and the FCC rules; authorizes the adoption of rules and regulations prescribing information, data, and calculations which must be included as part of the cable operator's filing; authorizes an appropriate official to obtain additional information from the cable operators; and places on the cable operator the burden on proving that its rates comply with the Cable Act an FCC rules.

Section 5. Proprietary Information.

Prescribes procedures consistent with FCC rules regarding requests for confidentiality of proprietary information submitted by the cable operator.

Section 6. Public Notice; Initial Review of Rates.

Requires publishing a public notice of the filing of the cable operator's schedule of rates or a proposed rate increase; and requires notice to the cable operator of when the rates will first be considered.

Section 7. Tolling Order.

The proposed schedule of rates or rate increase shall become effective 30 days after submission unless tolled pursuant to FCC rules.

Section 8. Public Notice; Hearing on Basic Cable Service Rates Following Tolling of 30-day Deadline.

Provides for a Public Hearing to be held subject to certain Public Notice requirements if a tolling order has been issued pursuant to Section 7.

Section 9. Staff of Consultant's Report; Written Response.

Provides that, following the Public Hearing, municipal staff or consultant shall make a written report and recommendation on rate decisions; and the cable operator may respond prior to final action.

Section 10. Rate Decision and Order.

Authorizes rate decisions and orders in accordance with FCC rules.

Section 11. Refunds; Notice.

Authorizes refunds in accordance with FCC rules provided prior notice and opportunity to comment is given to the cable operator.

Section 12. Written Decisions; Public Notice.

Provides that rate orders shall be in writing, be effective upon adoption, and deemed released to the public upon adoption; requires publication of a public notice and mailing of the decision to the cable operator.

Section 13. Rules and Regulations.

Authorizes the adoption of rules and regulations for basic cable service rate regulation proceedings.

Section 14. Failure to Give Notice.

Provides that failure to give the notices or mail copies of reports as required will not invalidate decisions or proceedings.

Section 15. Additional Hearings.

Authorizes additional public hearings upon reasonable notice.

Section 16. Additional Powers.

Provides that the powers exercised pursuant to the Ordinance are in addition to other powers conferred by law or otherwise.

Section 17. Failure to Comply; Remedy.

Provides for legal and equitable remedies for failure of the cable operator to comply with the Act, the FCC rules, any rate orders or determinations, any requirements of the ordinance or any rules or regulations promulgated under this Ordinance.

Section 18. Severability.

The various parts, sections, and clauses of the Ordinance are severable.

Section 19. Conflict Provision.

In the event of any conflict between this Ordinance and other ordinances or the franchise agreements, this Ordinance shall control.

Section 20. Effective Date.

This Ordinance shall become effective on September 15, 1993.

The publication of this summary/synopsis of the Ordinance is intended to meet the requirements for publication as provided by law. No further publication of the Ordinance is required or contemplated. This summary/synopsis is not exhaustive of all provisions and requirements of the Ordinance. A true and complete copy of the Ordinance can be inspected or obtained at the offices of the Clerk, 1555 County Road 496, Ishpeming.

Kenneth A. Tuominen  
Township Supervisor

David J. Bleau  
Township Clerk